

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12-2360WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/NZ2003/000044	International Filing Date (day/month/year) 11 March 2003	Priority Date (day/month/year) 11 March 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A63C 17/02 17/14		
Applicant REID, Reginald Lyall		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 10 October 2003	Date of completion of the report 23 June 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer <div style="text-align: center;">  DAVID MELHUISE Telephone No. (02) 6283 2426 </div>

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International application No.
PCT/NZ2003/000044

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 37, 38	YES
	Claims 1 - 36, 39 - 59	NO
Inventive step (IS)	Claims 38	YES
	Claims 1 - 37, 39 - 59	NO
Industrial applicability (IA)	Claims 1 - 59	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

NOVELTY (N) Claims 1-36, 39-59:

D1 - US.5997018 A
D2 - DE 3031386 A
D3 - US 6286843 B1
D4 - WO 99/34886 A1
D5 - JP 2000-219137 A

D1 discloses the features of claims 1-6, 14-36 and 39-59. Figures 1 and 2 of D1 show a personal conveyance comprising a foot supporting member 22, two axle assemblies 32 and rotational motion-facilitating means 34, wherein the rotational motion-facilitating means extend above the foot supporting member 22. Figure 2 shows steering means for the conveyance while figure 6 shows braking means. The steering means includes two springs 30 and pivot member 62. Gripping means 120 (figure 16) grip and position the user's foot and are adjustably mounted (figures 10 and 11).

D2 discloses the features of claims 1-36, 39-42, 46, 49-51, 53-55 and 57. The steering means of wheel 17 comprises pivoting means (the axis around which arm 16 pivots) and resilience means 20. Similarly, D3 discloses the features of claims 1-6, 14-36, 39-43 and 45-59, D4 the features of claims 1-6, 14-19, 40, 41, 46, 47 and 49-51 and D5 the features of claims 1-6, 14-36 and 40-59.

INVENTIVE STEP (IS) Claims 1-37, 39-59:

Claims 1-36 and 39-59: As per novelty above.

Claim 37: A foot supporting member variable in width is not considered to involve an inventive step. I consider that this difference between the claimed invention and the citation constitutes no more than a mere workshop improvement. It is an arrangement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone. Therefore the claimed invention does not involve an inventive step.

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VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
US.2002/0105153	8 August.2002	2 January 2002	2 January 2002
<p>This citation discloses the features of claims 1, 3-6, 14-36, 39, 46, 49 and 54.</p>			

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 32 lacks clarity because "fact" (line 3) should be "foot".
2. Claims 49, 54 and 58 are not fully supported by the description because they refer to the motion-facilitating means having "a preferred diameter and circumferential surface as herein defined" (eg. claim 49 lines 11-12), yet no such definition appears in the description.